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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,373	02/24/2004	Aleksander Zelenski	004.0115	3393
29906	7590	02/13/2006	EXAMINER	
INGRASSIA FISHER & LORENZ, P.C. 7150 E. CAMELBACK, STE. 325 SCOTTSDALE, AZ 85251				RACHUBA, MAURINA T
ART UNIT		PAPER NUMBER		
		3723		

DATE MAILED: 02/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/786,373	ZELENSKI ET AL.	
	Examiner M Rachuba	Art Unit 3723	

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 January 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-13 and 15-46 is/are pending in the application.
- 4a) Of the above claim(s) 15-23 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-13 and 24-46 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 30 January 2006 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Claims 15-23 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made without traverse in the reply filed on 12 October 2005.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-13, 24-34, 36, 37 and 39-46 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant now claims "at least one support member". Applicant has disclosed that there are only two support members. "At least one support member" is open ended, in that there may be any number of support members, not limited to two support members. Provision for more than two support members is not supported in the originally filed specification, and is considered new matter.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 34, 36, 37, 39 and 41 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Day, 4,315,383, previously cited. Please note figure 1 and its description.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-11, 13, 24-29, 31-33, and 42-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Day, '383 in view of Kahn '907. '383, figure 1 and its description, discloses the claimed invention, but does not disclose providing an internal fluid supply, the spindle having a channel disposed longitudinally through it, the rotary coupler comprises a plurality of fluid distribution channels, each fluid distribution channel in fluid communication at a first end with the longitudinal channel of the spindle and in fluid communication at a second end with the second orifice of one of the plurality of first conduits of the upper abrading wheel, a plurality of second conduits, each having a first end and a second end, wherein the first end of each of the plurality of second conduits is coupled to the second end of one of the plurality of distribution channels and wherein the second end of each of the plurality of second conduits is coupled to the second orifice of one of the plurality of first conduits, the upper abrading wheel support

member comprising a plurality of third conduits, each having a first and a second end, wherein the first end of each of the plurality of third conduits is in fluid communication with the second end of one of the plurality of the second conduits and the second end of each of the plurality of third conduits is in fluid communication with the second orifice of one of the plurality of first conduits, the rotary lead-through member having at least one second conduit disposed therein, the at least one second conduit in fluid communication with the longitudinal channel of the spindle, the second conduit of the rotary lead-through member is connected to a fluid source. '907, in a similar device, teaches providing a fluid supply system that supplies fluid through a channel in the rotating spindle, and provides first, second and third conduits in fluid communication with the longitudinal channel to supply fluid to an upper platen. It would have been obvious to one of ordinary skill to have provided '529 with the fluid channel in the spindle as taught by '907, figures 2 and 3 and their descriptions, to allow for an internal fluid supply system for a more compact machine.

8. Claims 35, 38 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Day, '383 in view of Cesna et al, '529. '383 does not disclose the use of linear ball bearing slide assemblies to effect vertical movement of the carriage member. '529, column 9, lines 25-40, teaches the use of such slide assemblies to allow vertical movement of a carriage on a support. It would have been obvious to one of ordinary skill in the art to have provided '383 with the linear ball bearing slide assemblies taught by '529, to allow smooth gliding movement of the carriage along the support. Regarding the use of two supports, '529 discloses the use of two supports for stability of the

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carriage and the upper grinding plate relative to the lower grinding plate. The two supports form a *horizontal* plane at the top of the supports, the carriage, spindle and upper plate lie outside the horizontal plane, the spindle is perpendicular to the *horizontal* plane. It would have been obvious to one of ordinary skill to have provided '383 with two spindles as taught by '529, for stability of the carriage and the upper grinding plate relative to the lower grinding plate, column 5, lines 4-20.

9. Claims 12 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Day, '383 in view of Kahn '907 as applied to claims 1 and 24 above, and further in view of Cesna et al, '529. '383 as modified by '907 does not disclose the use of linear ball bearing slide assemblies to effect vertical movement of the carriage member. '529, column 9, lines 25-40, teaches the use of such slide assemblies to allow vertical movement of a carriage on a support. It would have been obvious to one of ordinary skill in the art to have provided '383 with the linear ball bearing slide assemblies taught by '529, to allow smooth gliding movement of the carriage along the support.

#### ***Response to Arguments***

10. Applicant's arguments with respect to claims 1-13, 24-46 have been considered but are moot in view of the new ground(s) of rejection. Applicant argues that '529 teaches away from cantilevering the spindle from the supports. Please note that '529 is now relied upon to teach the use of linear ball bearing slide assemblies, and the use of two columns.

11. Regarding the issue of cantilevering the spindle from the supports, applicant has not clearly claimed the structure that provided for the spindle to be cantilevered from the

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supports. Applicant has now claimed "at least one support member", that the at least one support member forms a plane and in some claims, that the carriage at least partially extends in a direction substantially perpendicular to the plane. '383 clearly discloses at least one support member, the support member forming a horizontal plane at the top of the support member, the carriage, being three-dimensional, having a length, width and height, the height of the carriage extending at least partially in a direction substantially perpendicular to the horizontal plane at the top of the support.

Note that '529, in adding a second support, does not obviate this teaching. '529 forms a horizontal plane at the top of the two supports, and the carriage, being three-dimensional, having a length, width and height, the height of the carriage extending at least partially in a direction substantially perpendicular to the horizontal plane at the top of the support. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., that the carriage is cantilevered from the supports) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### ***Conclusion***

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M Rachuba whose telephone number is 571-272-4493.

The examiner can normally be reached on Monday-Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M Rachuba

M. Rachuba  
Primary Examiner

2/1/06